

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

SAMNANG AM

Defendant.

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)
) Crim. No. 05-10226 RWZ
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**ASSENTED-TO MOTION TO CONTINUE GOVERNMENT'S DEADLINE
TO FILE OPPOSITION TO MOTION TO SUPPRESS**

With the assent of the defendant, Samnang Am ("Defendant"), the United States of America (the "government") respectfully requests a brief continuance of its deadline to file an Opposition to the *Motion to Suppress Evidence and Statements* recently filed by the Defendant. In support of this motion, the government states as follows:

1. Under the initial briefing schedule set by this Court, Defendant's pretrial motions were due on July 13, 2006. See Final Status Report (Hillman J.).
2. On July 10, 2006, however, the Defendant filed an assented to motion for an extension of this deadline to July 24, 2006.
3. On July 11, 2006, this Honorable Court granted the Defendant's request for a continuance, and set a new deadline for pretrial motions of July 24, 2006.
4. On July 24, 2006, the Defendant filed a Motion to Suppress in accordance with this new deadline, but failed to file any supporting memorandum or affidavit in support of his motion. The undersigned attorney for the government therefore contacted defense counsel and requested a copy of any supporting memorandum and/or affidavit so that the government could prepare to file an Opposition. At that time, defense counsel agreed to file Defendant's memorandum and affidavit as soon as

possible, and further agreed to any extension that the government might need due to the late filing of these documents.

5. Defendant did not file his memorandum in support his Motion to Suppress until August 17, 2006, and did not file his supporting Affidavit until August 18, 2006. Upon doing so, defense counsel reiterated his assent to any corresponding extension for the government's Opposition due to these late filings.
6. Defendant's Affidavit filed on August 18, 2006, raises numerous fundamental factual differences from the facts set forth in the law enforcement reports underlying this case. As such, the government must meet with the arresting officers to discuss Defendant's sworn version of the facts before any responsive filing can be properly prepared. The undersigned attorney has contacted the officers to schedule that meeting, but needs a brief extension due to conflicting schedules. Accordingly, the government respectfully requests that this Honorable Court extend the current deadline of August 23, 2006 (which is only 3 business days after the Defendant filed his supporting Affidavit) to September 1, 2006, which would be 14 days after the filing of Defendant's Affidavit.
7. This motion does not raise any Speedy Trial issues because (i) the Defendant has already agreed that all time until the disposition of his Motion to Suppress be excluded under the Speedy Trial Act, and (ii) Section 3161(h)(1)(F) automatically excludes any "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion" in any event.
8. The Defendant assents to this motion.

WHEREFORE, the government respectfully requests that the deadline for its Opposition to the Defendant's Motion to Suppress be extended from August 23, 2006 to September 1, 2006.

Dated: August 22, 2006

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ *Lisa M. Asiaf*
LISA M. ASIAF
Assistant U.S. Attorney
Tel: (617) 748-3268

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 22, 2006.

/s/ *Lisa M. Asiaf*
LISA M. ASIAF